

**COUNCIL
23 JUNE 2004**

**SUBMISSION OF PLANNING APPLICATIONS ON BEHALF OF THE COUNCIL
(Director of Corporate Services & Resources – Legal)**

1 INTRODUCTION

- 1.1 The Council's Constitution delegates to the Director of Environment & Leisure authority to submit applications for planning permission on behalf of the Council. This report considers whether it is appropriate for such authority to continue to rest with the Director of Environment & Leisure and proposes that the authority be delegated instead to the Director of Corporate Services and Resources and also to the Head of Strategy and Partnerships.

2 RECOMMENDATION

- 2.1 **That the Scheme of Delegation to officers be amended by deleting from the delegations to the Director of Environment and Leisure the power to submit planning applications on behalf of the Council and that the Director of Corporate Services and Resources and the Head of Strategy and Partnerships each be delegated authority to submit planning applications on behalf of the Council**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Finance Officer

- 3.1 There are no financial implications directly arising from this report.

Borough Solicitor

- 3.2 The Borough Solicitor has drafted this report.

Access Implications

- 3.3 None

4 SUPPORTING INFORMATION

- 4.1 As the Council is responsible for such a diverse range of functions it is inevitable that on occasions potential conflicts of interest will arise. In carrying out its regulatory responsibilities it is important to ensure that decisions are taken without being influenced or, so far as is practicable, without the appearance of being influenced by considerations arising from Council functions which should not properly be taken into account in discharging the regulatory responsibility.

- 4.2 Recent Court decisions involving other local authorities have emphasised that, in particular, decisions on Planning issues may be challenged and quashed in the Courts if there is a real possibility of bias on the part of some Members participating in the Planning decision. Members have been advised that in connection with the proposed re-development of Bracknell Town Centre those Members who are involved in decision making in the Council's capacity as landowner should not be involved in the determination of any application for planning permission for the development.
- 4.3 Although the relevant Court cases have concerned challenges alleging the possibility of bias on the part of Members, there remains the possibility that in the future challenges may be made on the basis of alleged bias on the part of those responsible for advising the Planning & Highways Committee. It is therefore considered that it is no longer appropriate that an application seeking planning permission (submitted in the Council's capacity as either a landowner or in seeking to promote a development) should be vested in the Director of Environment and Leisure. The Property Services team (formerly part of the Environment Department) is now part of the Corporate Services & Resources Department. As the Property Services team is responsible for management of the Council's property portfolio it is felt that the Director of Corporate Services & Resources should be delegated authority to submit planning applications. In addition, the Head of Strategy and Partnerships is leading the Council's involvement in promoting the redevelopment of Bracknell Town Centre. It is quite possible that the Head of Strategy and Partnerships will play a similar role in relation to other major development proposals and accordingly it is considered that such officer should also be delegated authority to submit planning applications on behalf of the Council.

Background Papers

None

Contact for Further Information

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